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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DIAMOND GOOD,)	CASE NO. _____
)	
Plaintiff,)	
)	NOTICE OF REMOVAL OF CIVIL
vs.)	ACTION TO THE UNITED STATES
)	DISTRICT COURT FOR THE
GOOGLE LLC; META PLATFORMS,)	NORTHERN DISTRICT OF
INC.; AIRBNB, INC.; WHATSAPP LLC;)	CALIFORNIA
HIPCAMP, INC.; AND AIR FRANCE-KLM)	
GROUP,)	
)	
Defendants.)	

PLEASE TAKE NOTICE that Defendant SOCIETE AIR FRANCE (incorrectly named as Air France-KLM Group) (“Air France”) respectfully submits this Notice of Removal in this civil action from the Superior Court of the State of California for the County of Santa Clara, Case No., 22cv401942. to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§1441 and 1446.

In support of this Notice of Removal, Air France, through its undersigned counsel, states as follows:

PROCEDURAL BACKGROUND

1. Plaintiff commenced this action by filing a Complaint in the Superior Court of the State of California for the County of Santa Clara on or about August 12, 2022 (“Complaint”), styled *Diamond Good v. Google LLC, et al.* Case No. 22cv401942 (“the State Court Action”).

The Complaint was served on Air France on September 1, 2022.

STATEMENT OF THE GROUNDS FOR REMOVAL—FEDERAL QUESTION

JURISDICTION UNDER THE MONTREAL CONVENTION

2. This action is properly subject to removal under 28 U.S.C. § 1441, because it is a civil action that arises under the Constitution, laws, or treaties of the United States of which this Court has original jurisdiction conferred by 28 U.S.C. § 1331, and presents a Federal Question under the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999, reprinted in S. Treaty Doc. No. 106-45 (2000), 2242 U.N.T.S. 309 (the “Montreal Convention”).

3. Under 28 U.S.C. §1441(a), any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

4. The Montreal Convention governs “all international carriage of persons, baggage or cargo performed by aircraft for reward,” and provides the exclusive remedy for international passengers seeking damages against airline carriers.

5. Plaintiffs’ Complaint arises from a claim that Air France cancelled plaintiff’s ticket on Air France flight 0818 from Nnamdi Azikiwe Airport, Nigeria to Charles de Gaulle Airport in Paris, France, causing Plaintiff “stress” and higher costs to rebook travel on the same flight.

6. Both Nigeria and France are signatories to the Montreal Convention.

https://www.icao.int/secretariat/legal/List%20of%20Parties/Mtl99_EN.pdf.

TIMELINESS OF REMOVAL

7. The Complaint was received by Air France on September 1, 2022. This Notice of Removal is therefore timely filed within 30 days after such receipt by Air France pursuant to 28 U.S.C. § 1446(b)(1).

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VENUE

8. Venue is proper in this district and division because the Superior Court of the State of California for the County of Santa Clara where the action was originally filed is located within the judicial district of the United States District Court for the Northern District of California.

COMPLIANCE WITH REMOVAL PROCEDURES

9. Pursuant to § 1446(d), a copy of this Notice of Removal, including exhibits, will be promptly filed in the State Court Action and served on all adverse parties.

10. Copies of all relevant process and pleadings of the State Court Action are attached hereto in accordance with 28 U.S.C. § 1446(a), including the operative first amended complaint filed September 28, 2022 and the proof of service by mail of the “Civil Lawsuit Notice,” true and correct copies of which are attached hereto and marked respectively as Exhibits 1 and 2.

WHEREFORE, for the foregoing reasons, Air France removes this action from the Superior Court of the State of California for the County of Santa Clara to the United States District Court for the Northern District of California and respectfully requests that this Honorable Court exercise jurisdiction over this action.

Dated: September 28, 2022

GORDON REES SCULLY MANSUKHANI, LLP

By: 

Douglas Smurr
Attorneys for Defendant
SOCIETE AIR FRANCE

Gordon Rees Scully Mansukhani, LLP
275 Battery Street, Suite 2000
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CERTIFICATE OF SERVICE

I am a citizen of the United States. My business address is 3 Parkcenter Drive, Suite 200, Sacramento, California 95825. I am employed in the City and County of Sacramento where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On September 29, 2022, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

NOTICE OF REMOVAL OF CIVIL ACTION TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

☒ **MAIL:** I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California to the offices of the addressee(s) listed below:

Diamond Good 105 N. 1st Street San Jose, CA 95113 T: 404-403-1644 <i>Plaintiff, In Pro Per</i>	Koy Saechao c/o CSC Lawyers Incorporating Service 2710 Gateway Oaks Drive, #150N Sacramento, CA 95833 <i>Authorized Agent for Defendant Google, LLC</i>
Koy Saechao c/o CSC Lawyers Incorporating Service 2710 Gateway Oaks Drive, #150N Sacramento, CA 95833 <i>Authorized Agent for Defendant Meta Platforms, Inc.</i>	Koy Saechao c/o CSC Lawyers Incorporating Service 2710 Gateway Oaks Drive, #150N Sacramento, CA 95833 <i>Authorized Agent for Defendant WhatsApp, LLC</i>
Koy Saechao c/o CSC Lawyers Incorporating Service 2710 Gateway Oaks Drive, #150N Sacramento, CA 95833 <i>Authorized Agent for Defendant Airbnb, Inc.</i>	Amanda c/o Incorporating Services, LTD. 7801 Folsom Blvd., #202 Sacramento, CA 95826 <i>Authorized Agent for Defendant Hipcamp, Inc.</i>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 29, 2022, at Sacramento, California.


VERONICA WHITAKER

Gordon Rees Scully Mansukhani, LLP
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